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October 1, 2024

## **VIA ECF**

Hon. Judge Robyn F. Tarnofsky  
United States Magistrate Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: Martinez et al v. 647 Bronx Corp. et al  
1:24-cv-01615

Dear Judge Tarnofsky:

My firm represents Plaintiff JUAN ANASTICIO MARTINEZ (“Plaintiff”) in the above-referenced matter. Pursuant to Your Honor’s Inquest Order dated September 17, 2024, (Docket No. 36), Plaintiff submits this letter as he intends to rely on prior submissions in support of his application for a damages judgment against Defendants.

### **1. Damages**

In support of the requested damages, Plaintiff respectfully directs the Court to his Declaration filed in support of the default judgment motion (Dkt. No. 27, Exhibit F), the undersigned’s Declaration in Support (Dkt. No. 27, Pgs. 5-11), and Plaintiff’s Calculation of Damages (Dkt. No. 27, Exhibit G).

### **2. Jurisdiction**

The Court has subject matter jurisdiction of the Plaintiff’s federal claims pursuant to 29 U.S.C. §§ 201 et seq. (FLSA) and 28 U.S.C. § 1331 (federal question), and jurisdiction over the New York state law claims (such as the NYLL) under 28 U.S.C. § 1367(a) (supplemental jurisdiction) (Dkt. No. 27, Pg. 2).

The Court has personal jurisdiction as Plaintiff has duly effected service of process on Defendants 647 Bronx Corp. and Kharullah Mohammad in compliance with Fed. R. Civ. P. 4(e) and New York CPLR § 308. (Dkt. No. 27, Exhibits B and C.)

Further, the Defendants have not responded or appeared in this action, despite proper service, and the Clerk of the Court has entered a Certificate of Default (Dkt. No. 27, Exhibits D and E).

### **3. Liability**

On September 13, 2024, the Court granted Plaintiff's application for entry of default judgment pursuant to Fed. R. Civ. P. 55(b)(2) (Dkt. No. 33). The Court ordered that the case be referenced to Your Honor for an inquest on the issue of damages on that same day (Dkt. No. 34).

### **4. Attorney's Fees**

Plaintiff respectfully directs the Court to the Declaration of the undersigned in support of Plaintiff's requested attorney's fees and costs (Dkt. No. 27, Pgs. 11-13) and its supporting Exhibit H (Dkt. No. 27, Exhibit H.)

### **5. Service**

Plaintiff served Defendants with copies of Plaintiff's Motion for Default Judgment and supporting papers on August 15, 2024 (Certificates of Service, Dkt. No. 31). Plaintiff served the Court's Order granting the Motion for Default Judgment dated September 13, 2024 (Dkt. No. 33) on that same day and filed the Certificate of Service on September 17, 2024 (Dkt. No. 35). Plaintiff served Your Honor's Inquest Order and a copy of this letter on October 1, 2024 (Dkt. No. 37).

### **6. Inquest on Written Submissions**

The Court may determine damages upon the written submissions of the parties and Plaintiff directs the Court to the Declaration of the undersigned with respect to same (Dkt. No. 27, Pgs. 5-6).

We thank the Court for its time and consideration regarding this matter.

Respectfully Submitted,

/s/Catalina Sojo

Catalina Sojo, Esq.

CSM LEGAL, P.C.

*Attorneys for Plaintiff*